

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CALVIN TROY MAY

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-30-DPJ-FKB

WARDEN LAMAR SHAW

RESPONDENT

ORDER

This petition for habeas relief pursuant to 28 U.S.C. §2241 is before the Court on the Report and Recommendation [18] of Magistrate Judge F. Keith Ball.

Petitioner Calvin Troy May filed this petition as a pretrial detainee in the Yazoo County Regional Correctional Facility seeking release and dismissal of the charges pending against him. On January 15, 2020, Respondent Warden Lamar Shaw supplemented [17] his previously filed motion to dismiss, informing the Court that on December 6, 2019, May entered a guilty plea to all charges, with the exception of two counts of kidnapping that were dismissed. Pet. to Enter Guilty Plea [17-2] (pleading guilty to burglary, aggravated assault, domestic violence/aggravated assault, and sexual battery). The state court sentenced May the same day. Sentencing Order [17-3].

In light of this information, Judge Ball recommended dismissing the petition as moot.¹ May did not respond in opposition, and the time to do so has passed.² The Court finds the Report and Recommendation [18] should be adopted as the opinion of the Court. The petition is considered moot.

¹ Alternatively, to the extent May's petition could be construed as a petition under 28 U.S.C. §2254, Judge Ball noted he has not exhausted his state remedies.

² The Court also notes that May did not respond in opposition to Respondent's motion to dismiss [14], filed June 7, 2019.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure
58.

SO ORDERED AND ADJUDGED this the 24th day of February, 2020.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE